

ESTTA Tracking number: **ESTTA304714**

Filing date: **09/04/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190878
Party	Plaintiff Center Cut Hospitality, Inc.
Correspondence Address	Phillip L. Free, Jr. Crowe & Dunlevy, PC 20 North Broadway, Suite 1800 Oklahoma City, OK 73102 UNITED STATES phil.free@crowedunlevy.com, drew.palmer@crowedunlevy.com, lindsey.brown@crowedunlevy.com, ipmail@crowedunlevy.com
Submission	Other Motions/Papers
Filer's Name	Drew T. Palmer
Filer's e-mail	drew.palmer@crowedunlevy.com, IPmail@crowedunlevy.com, phil.free@crowedunlevy.com
Signature	/Drew T. Palmer/
Date	09/04/2009
Attachments	Motion for Reconsideration.pdf ( 8 pages )(164150 bytes )

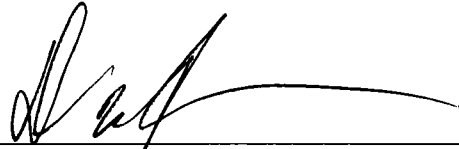
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE TRADEMARK TRIAL AND APPEAL BOARD**

Center Cut Hospitality, Inc.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91190878
	)	
Undisputed International LLC,	)	
	)	
Applicant.	)	

**MOTION FOR RECONSIDERATION**

Opposer and Applicant in the above-identified opposition proceeding, by and through their respective attorneys, stipulated to an extension of time for Opposer to respond to Applicant's Motion to Strike. As online filing of this stipulation was not possible on August 25, 2009, due to the inoperability of the Trademark Trial and Appeal Board online filing system, Opposer was forced to file via U.S. mail. A print-out from TTABVUE (attached as Exhibit 1.) shows the stipulation was received by the Trademark Trial and Appeal Board on August 31, 2009, and available through TTABVUE on September 3, 2009.

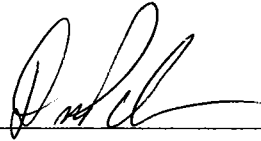
On September 4, 2009, an Order was issued granting Applicant's Motion to Strike as conceded. Applicant respectfully requests reconsideration of this Order and to allow Opposer to file their Brief in Response to Applicant's Motion to Strike on September 8, 2009, as stipulated.

	9/4/09
Phillip L. Free, Jr., OBA #15765	Date
Drew T. Palmer, OBA # 21317	
Crowe & Dunlevy, P.C.	
20 N. Broadway, Suite 1800	
Oklahoma City, OK 73102	
(405) 235-7700	
(405) 239-6651 (fax)	
ATTORNEYS FOR OPPOSER	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4th day of September, 2009, a true and correct copy of the above and foregoing document has been sent via first class mail, postage pre-paid to:

Andrew N. Spivak  
Mosaic Legal Group, PLLC  
2001 Twelfth Street, NW, Suite 117  
Washington, DC 20009

A handwritten signature in black ink, appearing to read "A. N. Spivak", is written over a horizontal line.



**CROWE & DUNLEVY**  
A PROFESSIONAL CORPORATION  
Attorneys and Counselors at Law  
Founded 1902

**TTAB**

Phillip L. Free Jr.  
Direct Tel: (405) 239-6656  
Direct Fax: (405) 272-5947

phil.free@crowedunlevy.com

August 25, 2009

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: United States Trademark Application No. 77/570,821  
Mark: Opposition of mark JOHN L. SULLIVAN  
Filing Date: September 16, 2008  
Docket No.: I1104US00 (35404-00034)

To Whom it May Concern,

Enclosed is a Stipulation to be filed for the above referenced opposition. If you have any questions, please don't hesitate to contact me.

Sincerely,

Phillip L. Free Jr.  
For the Firm

PLF/abw  
cc: Andrew Spivak  
Enclosure



08-31-2009

U.S. Patent & TM Office TTABest Page 21 #34


OKLAHOMA CITY  
20 NORTH BROADWAY, SUITE 1800  
OKLAHOMA CITY, OK 73102-8273  
TEL: 405.235.7700 • FAX: 405.239.6651

www.crowedunlevy.com

# Opposition No. 91190878

Opposer and Applicant in the above-identified opposition proceeding, by and through their respective attorneys, hereby stipulate that Opposer's response to Applicant's Motion to Strike shall be due on or before September 8, 2009.

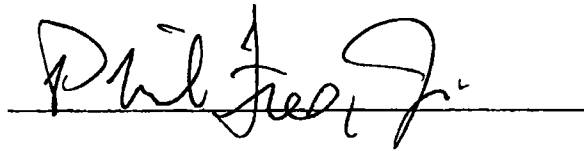
Phillip L. Free, Jr., OBA #15165  
Drew T. Palmer, OBA # 21317  
Crowe & Dunlevy, P.C.  
20 N. Broadway, Suite 1800  
Oklahoma City, OK 73102  
(405) 235-7700  
(405) 239-6651 (fax)  
ATTORNEYS FOR OPPOSER

 08/24/09  
Date  
Andrew N. Spivak  
Mosaic Legal Group, PLLC  
2001 Twelfth Street, NW, Suite 117  
Washington, DC 20009  
(240) 723-5470  
(202) 478-0379 (fax)  
ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of August, 2009, a true and correct copy of the above and foregoing document has been sent via first class mail, postage pre-paid to:

Andrew N. Spivak  
Mosaic Legal Group, PLLC  
2001 Twelfth Street, NW, Suite 117  
Washington, DC 20009

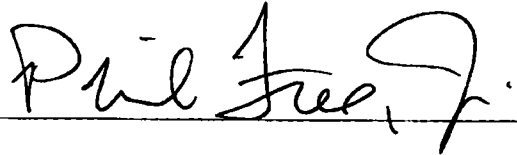
A handwritten signature in black ink, reading "Phil Jones, Jr.", is written over a horizontal line. The signature is cursive and includes a small "Jr." at the end.

**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Stipulation in Opposition No. 91190878 filed on August 25, 2009, is being deposited with the United States Postal Service with sufficient postage as First-class mail in an envelope addressed to:

Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

on August 25, 2009

A handwritten signature in cursive script, reading "Phil Free, Jr.", written over a horizontal line.

Phillip L. Free, Jr.



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v1.5

## Opposition

**Number:** 91190878**Filing Date:** 07/02/2009**Status:** Pending**Status Date:** 07/02/2009**Interlocutory Attorney:** ANN LINNEHAN

## Defendant

**Name:** Undisputed International LLC**Correspondence:** Andrew N. Spivak  
Mosaic Legal Group, PLLC  
2001 Twelfth Street, N.W., Suite 117  
Washington, DC 20009  
UNITED STATES  
aspivak@mosaiclegalgroup.com**Serial #:** 77570821[Application File](#)**Application Status:** Opposition Pending**Mark:** JOHN L. SULLIVAN

## Plaintiff

**Name:** Center Cut Hospitality, Inc.**Correspondence:** Phillip L. Free, Jr.  
Crowe & Dunlevy, PC  
20 North Broadway, Suite 1800  
Oklahoma City, OK 73102  
UNITED STATES  
phil.free@crowedunlevy.com, drew.palmer@crowedunlevy.com,  
lindsey.brown@crowedunlevy.com, ipmail@crowedunlevy.com**Serial #:** 74729642[Application File](#)**Registration #:** 2062637**Application Status:** Renewed**Mark:** SULLIVAN'S STEAKHOUSE**Serial #:** 75453367[Application File](#)**Registration #:** 2256909**Application Status:** Section 8 and 15 - Accepted and Acknowledged**Mark:** RINGSIDE AT SULLIVAN'S**Serial #:** 75453368[Application File](#)**Registration #:** 2249440**Application Status:** Renewed**Mark:** RINGSIDE AT SULLIVAN'S**Serial #:** 78062993[Application File](#)**Registration #:** 2529991**Application Status:** Section 8 and 15 - Accepted and Acknowledged**Mark:** SULLIVAN'S STEAKHOUSE**Serial #:** 78267324[Application File](#)**Registration #:** 2853848**Application Status:** Registered**Mark:** SWINGIN' AT SULLIVAN'S**Serial #:** 78813458[Application File](#)**Registration #:** 3264502**Application Status:** Registered**Mark:** SULLIVAN'S STEAKHOUSE

## Prosecution History

#	Date	History Text	Due Date
9	09/04/2009	<u>PROCEEDINGS RESUMED</u>	
8	09/03/2009	<u>STIPULATION FOR AN EXTENSION OF TIME</u>	
7	08/18/2009	<u>SUSPENDED PENDING DISP OF OUTSTNDNG MOT</u>	
6	08/10/2009	<u>CHANGE OF CORRESPONDENCE ADDRESS</u>	
5	08/10/2009	<u>ANSWER</u>	



<u>4</u>	08/10/2009	<u>D'S MOTION TO STRIKE</u>	
3	07/02/2009	PENDING, INSTITUTED	
<u>2</u>	07/02/2009	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	08/11/2009
<u>1</u>	07/02/2009	<u>FILED AND FEE</u>	

Results as of 09/04/2009 03:14 PM

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